

Notice of Allowability

Application No.

10/612,615

Examiner

Tianjie Chen

Applicant(s)

INOUE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 06/13/2007.
2. ☒ The allowed claim(s) is/are 1, 5, 7, 9 and 15-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TIANJIE CHEN
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
 - With regard to independent claim 1, as the closest reference of record, combination of Aratani et al (US 6,788,635), Takaoka et al (US 4,682,321), and Kinoshita et al (JP 2000-285509) discloses an optical recording medium in including a substrate, a light transmission layer and a plurality of recording layers and between the substrate and the light transmission layer and capable of recording data in the plurality of recording layers and reproducing data recorded in the plurality of recording layers by projecting a laser beam via the light transmission layer onto the plurality of recording layers, wherein data recorded in and reproduced from recording layer, which is farthest from the light transmission layer, by projecting the laser beam thereonto via the light transmission layer and at least one recording layer other than the farthest recording layer and the at least one recording layer other than a farthest recording layer from the light transmission layer includes a reflective film containing Ag as a primary component and additive is added, wherein C is used as an additive in Ag; **but fails to show** that by atomic % C is the secondary component of the reflective film included in the at least one recording layer, and wherein the reflective film included in the at least one recording layer consists of Ag and C.
 - With regard to independent claim 15, as the closest reference of record, combination of Aratani et al (US 6,788,635) and Takaoka et al (US 4,682,321) discloses an optical recording medium in including a substrate, a

light transmission layer and a plurality of recording layers and between the substrate and the light transmission layer and capable of recording data in the plurality of recording layers and reproducing data recorded in the plurality of recording layers by projecting a laser beam via the light transmission layer onto the plurality of recording layers, wherein data recorded in and reproduced from recording layer, which is farthest from the light transmission layer, by projecting the laser beam thereonto via the light transmission layer and at least one recording layer other than the farthest recording layer and the at least one recording layer other than a farthest recording layer from the light transmission layer includes a reflective film containing Ag as a primary component and additive is added, wherein C is used as an additive in Ag; and the plurality of recording layers includes a first recording film containing one kind of element selected from a group consisting of Si, Ge, Sn, Mg, C, Al, Zn, In, Cu, and Bi as a primary component and a second recording film disposed in the vicinity of the first recording film and containing one kind of element from a group consisting of Cu, C, Al, Zn, Si, and Ag and different from the element contained in the first recording film as a primary component- and the element contained in the first recording film as a primary component and the element contained in the second recording film as a primary component are mixed when the first recording film and the second recording film are irradiated with the laser beam. thereby forming a record mark; **but fails to show** that and the plurality of recording layers includes a first recording film containing one kind of element selected from a group consisting of Si, Sn, Mg, C, Al, Zn, In,

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and Cu as a primary component and a second recording film disposed in the vicinity of the first recording film.

- Applicant asserts "an object of the present invention to provide an optical recording medium having a plurality of recording layers and in which recording characteristics and reproducing characteristic of the respective recording layers can be improved" (Specification, p. 4).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TIANJIE CHEN
PRIMARY EXAMINER